

Exhibit 3

1 B. Brett Heavner (*pro hac vice* forthcoming)
b.brett.heavner@finnegan.com
2 Yinfei Wu (*pro hac vice* forthcoming)
yinfei.wu@finnegan.com
3 **FINNEGAN, HENDERSON, FARABOW,**
GARRETT & DUNNER, LLP
4 901 New York Avenue NW
Washington, DC 20001-4413
5 Telephone: (202) 408-4000
Facsimile: (202) 408-4400

6 Morgan E. Smith (SBN 293503)
morgan.smith@finnegan.com
7 Matthew C. Samet (SBN 311865)
matthew.samet@finnegan.com
8 Daniel R. Mello (SBN 325714)
daniel.mello@finnegan.com
9 **FINNEGAN, HENDERSON, FARABOW,**
GARRETT & DUNNER, LLP
10 3300 Hillview Avenue
11 Palo Alto, California 94304
Telephone: (650) 849-6600
12 Facsimile: (650) 849-6666

13 Naoki Yoshida (*pro hac vice* forthcoming)
naoki.yoshida@finnegan.com
14 **FINNEGAN, HENDERSON, FARABOW,**
GARRETT & DUNNER, LLP
15 33rd Floor, Shiroyama Trust Tower
3-1, Toranomom 4-chome
16 Minato-ku, Tokyo 105-6033 Japan
Telephone: 011-813-3431-6943
17 Facsimile: 011-813-3431-6945

18 Attorneys for Specially Appearing Defendant
LEGALFORCE, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

22 LEGALFORCE RAPC WORLDWIDE, P.C.,

23 Plaintiff,

24 v.

25 LEGALFORCE, INC.,

26 Defendant.
27
28

CASE NO. 3:22-cv-03724-TLT

DECLARATION OF NOZOMU TSUNODA

Judge: Hon. Trina L. Thompson
Crtrm.: 9
Hearing Date: November 29, 2022
Time: 2:00 p.m.

1 I, Nozomu Tsunoda, declare as follows:

2 1. I am President Representative Director at LegalForce, Inc. (“LegalForce”). My
3 primary job responsibilities include representing LegalForce. The matters stated herein are based
4 upon my personal knowledge, and if called as a witness, would testify as to the following statements.

5 2. I am a Japanese citizen with my residence in Japan.

6 3. I have no family in the United States and have only ever visited the United States 5
7 times on vacation and 2times for limited business travel unrelated to LEGALFORCE trademark.

8 4. I have no personal property or assets in California or the United States.

9 5. I conduct no business in California or the United States with LEGALFORCE
10 trademark.

11 6. I have no business interests or assets in California or the United States.

12 7. I have never earned income in California or the United States.

13 8. I have never paid, or been required to pay, state or federal income taxes in California
14 or the United States.

15 9. On or about April 21, 2017, I formed LegalForce, which is organized under the laws
16 of Japan and headquartered in 6th floor, Toyosu Front, 3-2-20, Toyosu, Koto-ku, Tokyo 135-0061.

17 10. LegalForce researches, develops, manages, and maintains legal operations software
18 for its clients including, in particular, artificial intelligence-powered document review and analysis
19 software.

20 11. LegalForce is not incorporated in California or the United States; nor is it qualified to
21 do business in California or the United States.

22 12. LegalForce has no branch offices or comparable facilities in California or the United
23 States and has no telephone listing or mailing address in California or the United States.

24 13. LegalForce does not maintain a registered agent for service in California or elsewhere
25 in the United States.

26 14. LegalForce does not recruit in California or the United States.

27 15. Each of LegalForce’s employees resides outside the United States.
28

1 16. LegalForce has no officers, directors, or employees residing or domiciled in
2 California or the United States.

3 17. LegalForce hires no employees in the United States or California.

4 18. LegalForce has no bank accounts or other tangible personal or real property in
5 California or the United States.

6 19. LegalForce has no physical presence in California or the United States.

7 20. LegalForce does not own the LEGALFORCE trademark in the United States.

8 21. LegalForce has not used the LEGALFORCE mark in commerce in the United States.
9 Nor has LegalForce taken any steps to imminently offer, sell, transport , distribute, market, or
10 advertise any products or services bearing the LEGALFORCE mark in the United States.

11 22. LegalForce has never sought to enforce the LEGALFORCE mark in California or the
12 United States.

13 23. LegalForce's websites, <https://legalforce-corp.com/> and legalforce-cloud.com are
14 public-facing, and accessible worldwide.

15 24. These domains are LegalForce's primary domains and are in Japanese.

16 25. All services offered through LegalForce's website are advertised specifically
17 toward Japanese residents.

18 26. LegalForce's website is available in Japanese and English and loads by default in
19 Japanese.

20 27. The English language version of LegalForce's website, [https://en.legalforce-](https://en.legalforce-corp.com/)
21 [corp.com/](https://en.legalforce-corp.com/), is not directed or aimed at California or United States residents.

22 28. The English language version of LegalForce's website is aimed at English speaking
23 customers in Japan.

24 29. The English language version of LegalForce's website contains images containing
25 Japanese characters, relating specifically to Japanese contracts, and using interfaces most familiar to
26 Japanese customers.

27 30. LegalForce has no clients in California or the United States clients.
28

1 31. LegalForce has no business contact with California or the United States.

2 32. LegalForce has not entered into any contracts for rendering services in California or
3 the United States.

4 33. LegalForce does not direct any of its advertising specifically toward California or
5 United States residents, nor does it advertise in any publications that are directed at California or
6 United States residents.

7 34. To the extent we are aware, the Tweet identified at
8 <https://twitter.com/rehownet2/status/1206384948871094273> is not directed or aimed at California or
9 United States residents.

10 35. Nor is the Tweet geographically restricted to California or the United States.

11 36. The services discussed within the Tweet are directed and aimed at Japanese clients.

12 37. Defending a lawsuit in California or the United States would cause LegalForce
13 hardship.

14 38. The 12+ hours in travel from Tokyo to San Francisco to participate in this litigation
15 would cause financial and emotional burden on LegalForce.

16 39. The 16-hour time difference between California (PDT) and Japan would interfere
17 with LegalForce's ability to communicate effectively with its counsel.

18 40. LegalForce employees have been to California on only two occasions.

19 41. Those visits were unrelated to the LEGALFORCE brand and did not involve any
20 promotion, advertisement, display, or use in commerce of the LEGALFORCE mark or logo.

21 42. Neither trip was for the purposes of entering any contracts with or soliciting business
22 with Californian individuals or entities.

23 43. LegalForce lists open positions online and sometimes applicants from parts of the
24 world outside Japan will apply.

25 44. To the extent any employee is hired via the online listings, the expectation is that
26 employee will reside in Japan, work at the Tokyo office, and provide services to Japanese clients.

27 45. LegalForce has not hired an attorney with a California bar license.
28

47. LegalForce duly owns Japanese trademark rights in “LegalForce” Registration No. 6074525, registered on August 24, 2018. The Plaintiff challenged the Japanese trademark rights in an opposition proceeding before the Japanese Patent Office on November 19, 2018. On August 5, 2019, the Japanese Patent Office concluded the opposition proceeding by upholding LegalForce’s Japanese trademark registration.

Executed this 20th day of October, 2022, at Tokyo, Japan.

Nozomu Tsunoda